

**REMARKS**

Claims 1-8 were examined in the Office Action mailed December 3, 2007.

The following objections and rejections are currently pending:

- A requirement for provision of a drawing to facilitate understanding of the invention, and objection for failure to illustrate “a suction blower and suction connection,” “suction connections” and “a conveyor belt.”
- Rejection of claims 1-8 under 35 U.S.C. § 112, second paragraph as incomplete for failure to include structural cooperative relationships between the suction blower, suction connection(s) and the conveyor belt.
- Rejection of claims 1 and 5 under 35 U.S.C. § 102 (b) as anticipated by U.S. Patent No. 4,378,661 to Ninehouser (“Ninehouser”).
- Rejection of claims 2-4 and 6-8 under 35 U.S.C. § 103 (a) as unpatentable over Ninehouser.

The following addresses each of the foregoing objections and rejections.

**1. Examiner Approval of New Figure 1 is Respectfully Requested.**

In response to the requirement for a drawing, the Applicants are requesting Examiner approval of the attached new Fig. 1. This new figure illustrates the recited suction blower, suction connections, conveyer belt, and moveable suction connection. Because these elements are conventional features readily understood by those of ordinary skill in the art, the elements are schematically illustrated, as permitted under 37 C.F.R. § 1.83(a). The Applicants submit that no new matter is added by the illustration, as these features are described in the original Specification, and would be readily recognized by those of ordinary skill in the art. Corresponding amendments have been made to Specification to identify the elements already discussed in the Specification with corresponding reference labels.

**2. Withdrawal of the § 112 Rejections Is Requested.** The Applicants have amended claims 1, 3, 5 and 7-8 to provide the structural connections between the suction blower, at least one suction connection, and the conveyer belt. Reconsideration and withdrawal of the § 112, second paragraph rejection is respectfully requested.

**3. The Claims Are Patentable Over the Ninehouser Reference.**  
The Applicants respectfully traverse the rejection of claims 1 and 5 under § 102(b) as anticipated by, and of claims 2-4 and 6-8 as unpatentable under § 103(a) over, the Ninehouser reference on the ground that this reference does not disclose or suggest all of the features of the present invention recited in the pending claims.

The Present Invention: The present invention is directed to a method and an apparatus for removing water ice from a refrigeration unit *during cooling operation* using a flexible suction system.

As amended, claim 1 recites, *inter alia*, a method “for removing water ice from a refrigeration system for cooling refrigerated goods to a temperature below the freezing point of water,” in which suction is applied to the refrigeration system interior “during operation of the refrigeration system” by “operating the suction blower to generate suction at the at least one suction connection to remove water ice from the interior of the refrigeration system.” Independent claim 5 is similarly amended.

The Ninehouser reference is cited as disclosing a device which comprises “removing water ice (melted frost) from a refrigeration system (refrigerators) ...”

December 3, 2007 Office Action at 3-4. The Applicants respectfully note that Ninehouser does not disclose or suggest the invention recited in the amended claims, specifically a method and apparatus in which suction is applied to remove water ice “during operation of the refrigeration system.” As stated in the Ninehouser Objects Of This Invention, his apparatus “may be used for *defrosting* refrigerators, for suctioning off melted frost in a refrigerator, spraying warm water on the coils [*i.e.*, to defrost the refrigerator] ...” Ninehouser at 1:17-20 (emphasis added). Ninehouser’s Detailed Description Of The Invention further confirms the maintenance-related focus of his system, noting that the system “may be used to defrost a refrigerator, taking in hot water from connections 46 over the frost [built up in the refrigerator] to melt it, and connecting the melted frost to the tank through pipe 16. In Fig. 2, it may be used for defrosting refrigerator units suctioning off *melted* frost while spraying warm water in the refrigerator coils with the high pressure pump 40.” *Id.* 2:62-3:1 (emphasis added).

Thus, Ninehouser teaches a system which is only capable of performing defrosting maintenance on refrigeration units *during periods which food or other products requiring freezing cannot be processed.* One of ordinary skill in the art reviewing Ninehouser would recognize that the spraying of warm water on internal refrigerator surfaces simply cannot be conducted during freezing operations, both due to food contamination concerns, and due to the fact that there would be no way to warm frost to its melting point while simultaneously maintaining a freezing environment within the refrigeration system sufficient to

ensure thorough freezing of the food products. One of ordinary skill therefore would recognize that Ninehouser teaches a system which cannot be used to achieve the end obtained by the present invention – the removal of water ice “*during operation* of the refrigeration system.” Accordingly, because Ninehouser does not disclose or suggest such a system, independent claims 1 and 5 and their respective dependent claims 2-4 and 6-8 are patentable over this reference under § 102(b) and § 103(a). Reconsideration and withdrawal of the pending § 102(b) and § 103(a) rejections is respectfully requested.

### CONCLUSION

In view of the foregoing amendments and remarks, the Applicant submits that claims 1-8 are in condition for allowance. Early and favorable consideration, and issuance of a Notice of Allowance for these claims is respectfully requested.

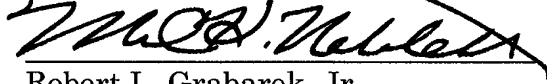
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket #038724.56178US).

March 3, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark H. Neblett", written over a horizontal line.

Robert L. Grabarek, Jr.  
Registration No. 40,625  
Mark H. Neblett  
Registration No. 42,028

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844